

tatives but the Senate may amend or reject them as other bills.'

The Constitution of the United States contains the provision that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

The provision of the Constitution of the United States has been before the Supreme Court of the United States on several occasions. In the case of *Flint vs. Stone Tracy Co.*, 220 U. S. 143, in which the court used this language:

"This statement shows that the tariff bill of which the section under consideration is a part, originated in the House of Representatives and was there a general bill for the collection of revenue. As originally introduced it contained a plan of inheritance taxation. In the Senate the proposed tax was removed from the bill, and the corporation tax, in a measure, substituted therefor. The bill having properly originated in the House, we perceive no reason in the constitutional provision relied upon why it may not be amended in the Senate in the manner which it was in this case. The amendment was germane to the subject-matter of the bill and not beyond the power of the Senate to propose."

And in the case of *Rainey vs. U. S.*, 232 U. S. 317, Chief Justice White, speaking for the court, said:

"I am also satisfied that the section in question is not void as a bill for raising revenue originating in the Senate and not in the House of Representatives. It appears that the section was proposed by the Senate as an amendment to a bill for raising revenue which originated in the House. That is sufficient."

Under the uniform custom of legislative bodies, both state and national, as to amendments of bills, they most frequently include especially as to occupation tax bills, the adding of additional occupations to those contained in the original bill, and no question has ever been raised so far as I have ever been able to ascertain, as to this being a legal amendment of a bill. Certainly while a bill is pending in the House of Representatives, having for its purpose the levy of an occupation tax upon the sale of gasoline, an amendment may be constitutionally made in the House levying an occu-

pation tax upon the sale of cigarettes or any other occupation. The bill having for its purpose the raising of revenue must originate in the House of Representatives, but the constitutional provision is that having so originated, the Senate may amend it "as other bills." This provision is certainly broad enough to authorize the Senate to amend the bill as fully and to the same extent as it might have been amended in the House of Representatives.

You are, therefore, advised that such an amendment of a revenue measure, originating in the House of Representatives, by the Senate would not be in violation of the provisions of our Constitution. This construction is accentuated by the fact that under the rules of procedure and the provisions of the Constitution, if and when an amendment of the Senate is made to a House Bill it must be returned to the House for further consideration and final passage by it before it becomes a law.

Yours very truly,

POLLARD,

Attorney General, State of Texas.

#### EIGHTH DAY.

Senate Chamber,

Austin, Texas.

Friday, May 3, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Cousins.	Small.
Hardin.	Williamson.
Parr.	Woodward.

**Prayer by the Chaplain.**

Pending the reading of the Journal of yesterday, the same was disposed with on motion of Senator Holbrook.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Hornsby:

S. B. No. 65, A bill to be entitled "An Act exempting from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institution of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane:

S. B. No. 66, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists; providing payment and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senators Greer, Hornsby, Witt, and Neal:

S. B. No. 67, A bill to be entitled "An Act to amend Art. 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing Art. 2782 R. S. 1925, which exempts the cities of Dallas and Fort Worth; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Patton:

S. B. No. 68, A bill to be entitled "An Act providing for a local option method of determining the question of whether or not the county superintendent of schools in each county of this State shall be employed by the county board of trustees; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Patton:

S. B. No. 69, A bill to be entitled "An Act to amend Art. 2667, Revised Statutes 1925, providing for school trustees in all independent school districts at eleemosynary institutions, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Thomason:

S. B. No. 70, A bill to be entitled "An Act validating matters and things heretofore done and performed in Wells Independent School District No. 8. etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

**Senators Excused.**

On motion of Senator Hyer, Senators Small and Hardin were excused for the day on account of important business.

On motion of Senator Woodul, Senator Cousins was excused for the

day on account of important business.

**Senate Bill No. 61 Recommended.**

Senator Woodul moved that S. B. No. 61 be re-committed to the Committee on State Affairs.

The motion prevailed.

**Simple Resolution No. 9.**

Senator Hornsby sent up the following resolution:

Whereas, Professor Don H. Cude, Superintendent of the Marble Falls Public Schools and the members of the Civics Class of said school, are now visiting in their Capitol City, therefore be it

Resolved, That they be extended the privileges of the floor of the Senate.

**HORNSBY.**

Read and adopted.

**Simple Resolution No. 10.**

Senator Neal sent up the following resolution:

Whereas, Governor Dan Moody in his message to the Joint Session of the House and Senate on January 20, 1927 recommended the enactment of laws establishing a modern, uniform system of accounting and auditing of all State Departments and State Institutions; and

Whereas, it was necessary, in order that the Legislature could act intelligently in enacting such laws that a full knowledge of the facts relating to the systems of accounting now used in all departments of the State Institutions be acquired; and

Whereas, This information could only be obtained by an actual survey of the systems of business practices of all the departments and institutions of the State and activities in connection therewith; and

Whereas, The appointment of a Committee by the Governor to consist of two competent certified public accountants and one licensed lawyer, all of good repute and standing in their professions, and responsible citizens thereof, should make a survey of the systems of accounting and auditing used in all State Departments and Institutions and activities in connection therewith in this State and all details necessary to make a complete and full report upon all matters and things needed to be

done in order to establish a modern, uniform system of accounting and auditing of all State Departments and Institutions; and

Whereas, Said Committee has made its survey and has submitted its report to the Governor of this State, now, therefore be it

Resolved, By the Senate of the State of Texas, that said report be, and it is hereby ordered, printed in the Journal of the Senate in order that the information gained and the recommendations made may be known to the Legislature as well as to the people of the State.

**NEAL.**

Read and referred to the Committee on Public Printing, on motion of Senator Love.

**Message from the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, May 2, 1929.

To the Hon. Senate of the State of Texas:

Subject to your confirmation; I have appointed Hon. W. A. Tarver of Navarro County, to be Life Insurance Commissioner of Texas and Chairman of the Board of Insurance Commissioners, to succeed R. B. Cousins, Jr.

Respectfully submitted,

**DAN MOODY,**

Governor.

Read and referred to Committee on Governor's Nominations.

**Message from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with following message:

Hall of the House of Representatives,

Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Harman:

H. B. No. 18, A bill to be entitled "An Act to amend Article 2786 of the Revised Civil Statutes of 1925 by requiring all school district bonds

to mature serially, repealing all laws or parts of laws, general or special, in conflict, and declaring an emergency."

By Mr. Turner and Mr. Long of Houston:

H. B. No. 19, A bill to be entitled "An Act providing for the compensation of certain employees of the State penitentiary system, and declaring an emergency."

By Mr. Johnson of Dimmit:

H. B. No. 87, A bill to be entitled "An Act to correct the official spelling of the name of the county of Zavalla, Texas."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. No. 19 referred to Committee on Penitentiaries.

H. B. No. 18 referred to Committee on State Affairs.

H. B. No. 87 referred to Committee on State Affairs.

#### S. C. R. No. 3.

The Chair laid before the Senate S. C. R. No. 3, empowering the State Board for Vocational Education to co-operate with the Federal Board for Vocational Education in the administration of an act of Congress relating to the vocational rehabilitation and placement of physically disabled persons, authorizing the State Treasurer to receive and disburse funds allotted under said Act, and accepting the provisions of said Act of Congress.

The Committee report was adopted. The resolution was read second time.

#### Adjournment.

Senator Moore moved to adjourn until 10:00 o'clock Monday morning.

Senator Greer moved to recess until 2:00 o'clock p. m.

The motion to adjourn prevailed by the following vote:

#### Yeas—12.

Gainer.	Pollard.
Hyer.	Russek.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Witt.
Moore.	Wirtz.

#### Nays—11.

Beck.	Love.
Berkeley.	Neal.
DeBerry.	Parrish.
Greer.	Patton.
Holbrook.	Westbrook.
Hornsby.	

#### Absent.

Cunningham.	Woodul.
-------------	---------

#### Absent—Excused.

Cousins.	Small.
Hardin.	Williamson.
Parr.	Woodward.

At 12:05 o'clock p. m. the Senate adjourned until 10:00 o'clock Monday morning.

#### APPENDIX.

##### Petitions and Memorials.

##### (TELEGRAM.)

Pampa, Texas, May 2, 1929.  
State Senate,  
Austin, Texas.

Referring to the Public Utilities Bill now before Senate Committee, we are unalterably opposed to any bill embracing a monopolistic feature and trust that you will act accordingly.

Signed: T. D. Hobart, C. P. Buckler, M. K. Brown, Chas. C. Cook, J. M. Dodson, B. E. Finley, J. N. Duncan.

St. Jo., Texas, May 2, 1929.  
To the President of the Senate,  
Austin, Texas.

Gentlemen: With reference to the Public Utilities Bill now being considered by your honorable body, will say our city council and our citizens are opposed to delegating power to any public service corporation or company, but prefer to remain democratic and let the people govern and let all government come by the consent of the Governor. Therefore, we are opposed to delegating power to any favored few, corporation, company or individuals.

Very truly,

D. L. Dowd, Mayor, St. Jo.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No 35 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 25 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,  
Austin, Texas, May 2, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 61, A bill to be entitled "An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61 of the Revised Civil Statutes of 1924 may retain; requiring the excess of such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 2, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 45, A bill to be entitled "An Act conveying to the United States of America an easement for the construction of the intra-coastal waterway over certain State owned lands in Chambers and Galveston Counties; provided further that nothing in this Act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence and the right of the owner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 2, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 42, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school

land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925 and as amended by Chapter 25, an Act approved October 27, 1926 for which applications or the first payment therefor were filed in the land office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Section 9 of Chapter 9 of the General and Special Laws of the Regular Session of the 41st Legislature, relating to criminal district attorneys and assistants in certain counties and other matters incidental to said subject, so as to provide that said Chapter 9 shall not apply to any county in this State having two or more incorporated cities each having a population of more than 20,000 according to the latest United States census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 29, A bill to be entitled "An Act amending Article 879 of the 1925 Penal Code as amended and provided for in H. B. No. 161, Chapter 215, page 316, Regular Session of the 40th Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the north

zone and in the south zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 39, A bill to be entitled "An Act providing for the regulation and protection of, catching and taking fish in Young County; prohibiting the sale or purchase of any fish caught in any waters in Young County; providing this Act shall be cumulative of the General Laws of the State of Texas; providing that if any portion of the Act is invalid it shall not affect the remaining portion of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act authorizing the commissioners Court in any county having a population of not less than 73,100 and not more than 73,300 as shown by the preceding Federal census to purchase not exceeding two automobiles for the use of said assessor while actually engaged in the discharge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor and limiting the amount to be expended for the purchase of said automobiles and providing for the marking of said cars, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 2, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 19, A bill to be entitled "An Act creating the Texas State Nautical School for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering, creating a Board of Governors to manage said school; providing for the administration thereof, and for the adoption of rules and regulations by said Board; making an appropriation for the purpose of establishing and maintaining same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Cousins.

S. B. No. 19.

#### A BILL

##### To Be Entitled

An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering; creating a Board of Governors to manage said school, providing for the adoption of rules and regulations by said Board; making an appropriation for the purpose of establishing and maintaining the same, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be, and there is hereby created the Texas State Nautical School, which shall, as hereafter provided, be maintained at any of the various Texas Ports or as the Federal Statute may provide, or as the Board of Governors may select, for the purpose of giving instruction in the science and practice of navigation, seamanship, steam and electrical engineering, and such other courses of instruction necessary in the foregoing subject, to students from the several counties of this state, who have been resident

citizens of this State for a period of at least twelve months preceding their matriculation, who shall have the qualifications of good moral character, elementary education, and physical fitness, which may be required by the Board of Governors of said school.

Sec. 2. It is the purpose of this Act that the State of Texas shall take advantage of the Act of Congress authorizing the Secretary of the Navy in order to promote nautical education, to furnish upon the application of the Governor of the State of Texas a suitable vessel of the United States Navy, with all apparel, charts, books and instruments of navigation and a sum not exceeding the amount annually appropriated by any state or municipality.

Sec. 3. The Governor of the State of Texas shall appoint a Board of Governors of the Texas State Nautical School, which shall consist of the Superintendent of Public Instruction, the President of the University of Texas, the President of the A. and M. College, and seven other members who shall be appointed, two for a period of one year, two for a period of two years, and three for a period of three years, and thereafter said members shall hold office for a term of two years. Two members shall be persons who have either had as much as two years study in a maritime or similar school or two years experience as a seaman, navigating between the United States of America and foreign countries, either in the Merchant Marine or Navy Service. Five members shall constitute a majority and may transact business for said Board. In case of a vacancy on said Board from any cause such vacancy shall be filled by the Governor of the State for the unexpired term.

Sec. 4. The members of the Board of Governors shall serve without pay, but they shall be allowed their actual expenses incurred in attending any regular or called meeting of the Board of Governors or in attending the sessions of any duly appointed sub-committee of said Board, which allowance shall be paid from any appropriation which may be provided for the purpose of said nautical school.

Sec. 5. The Board of Governors, at its first meeting, shall elect one of its members as chairman, and

such chairman, under the instructions of the Board, shall have the general supervision and control of the school, and of all its property, and shall have the direction of its work and that of the instructors and others engaged in the school. The chairman of the Board, so elected, shall serve as such for one year, or until his successor is elected. The successor, as chairman, shall be elected by vote of the members of the Board at a regular or called meeting thereof, after ten days' notice that a chairman is to be elected at such meeting.

Sec. 6. The Board of Governors shall provide and maintain a nautical training school, pursuant to the provisions of this Act, aboard a proper vessel furnished by the Federal Government, which shall have as its home port and headquarters, any Texas port the Board of Governors may select.

Sec. 7. Immediately upon their appointment the members of the Board of Governors shall meet at a place to be designated by the Governor upon a notice calling such meeting, issued by him. It shall be the duty of the Board of Governors to purchase and provide necessary apparel, books, charts, instruments, apparatus and supplies required in the work of such school and for the proper accommodation and keep of the superintendent, instructors, employees, and pupils aboard such ship; appoint and determine the compensation of a superintendent, instructors and employees of such school, within the appropriation made therefore; fix the terms and conditions upon which pupils shall be received in said school and be graduated, discharged, suspended and from time to time shall arrange for cruises from and to the harbors of Corpus Christi, Galveston, Houston, Beaumont and other Texas ports. Admission as a pupil and tuition need not be charged for, but if charged, shall not exceed that now provided for State institutions of higher learning, and keep shall be free on board such vessel to any student having the required qualifications, except an initial fee of fifty (\$50.00) dollars, for part cost of equipment, etc.

Sec. 8. Said Board of Governors shall appoint and remove the superintendent of said school, who shall

also be the commander, or captain, the instructors and necessary employees, and they shall adopt rules and regulations with reference to the policy to be followed in establishing and maintaining said school not inconsistent herewith, and all rules and regulations necessary in the discharge of the duties developing upon them for the purposes of this Act.

Sec. 9. The Board of Governors may take over, for the purposes of the school, such ship as the Secretary of the Navy shall furnish. They may annually expend for the purposes of such school, any sum which the Legislature shall appropriate and shall annually submit a budget or estimate of the sum required for the maintenance of the school, and for its cruises, to the Governor of the State; they shall keep full and detailed account of all expenditures, and shall make a complete report thereof with a report of the work and of the school, annually, to the Legislature. They may appoint a secretary of the Board of Governors, determining his duties and fees, who shall be removable at the discretion of the Board. Any members of said Board of Governors may be removed in the same manner as now provided for the removal of a member of the Board of Regents of the University of Texas.

Sec. 10. In the event full provision has not been made with reference to the conduction of said school and the creation, appointment and duties of the Board of Governors, then the laws relating to the University of Texas and the Board of Regents thereof in this respect shall govern, unless the same be inconsistent with the provisions of this Act, in which case the provisions hereof shall prevail.

Sec. 11. The sum of seventy-five thousand (\$75,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated of the moneys in the treasury not otherwise appropriated for the expenses of said Texas State Nautical School for the year; said appropriation shall become available when the Governor of the State shall have appointed the Board of Governors, as provided for in this Act.

Sec. 12. The fact that only a short time remains until the end of the term of the Legislature, the large



number of bills now before the House, and the fact that the State of Texas is in dire need of a nautical school, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred,

S. B. No. 23, A bill to be entitled "An Act amending Article 6196 of the Revised Civil Statutes of 1925 so as to provide for the discharge of convicts from the penitentiary in the County in which they were indicted; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and printed in the Journal but not otherwise.

McFARLANE, Chairman.

By Senators Woodul, S. B. No. 23.

Gainer, Hardin, Westbrook, Patton, Beck, Pollard, Berkeley, Miller, Cunningham, Holbrook, Cousins, Martin, Love, Parr, Woodward, Hornsby, Moore, Small, Parrish, DeBerry, Neal, Stevenson, Thomason, Witt.

#### A BILL

##### To Be Entitled

An Act amending Article 6196 of the Revised Civil Statutes of 1925 so as to provide for the discharge of convicts from the penitentiary in the County in which they were indicted; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6196 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 6196. When a convict is discharged, he shall be furnished with a written or printed discharge

from the Board, signed by the Chairman with the seal of the Board affixed, giving his name, date of sentence, from what County sentenced, the amount of commutation received, the trade he has learned, his proficiency in same, and such other description as may be practicable. He shall be furnished with a suit of clothing of good quality and fit, two suits of underwear, one pair of shoes and a hat, one shirt and \$5.00 in money in addition to any money which he may have to his credit with the Board. Each convict shall be discharged in the County in which he was indicted for the offense for which he served the sentence in the penitentiary. He shall be accompanied by a Guard and transported without cost to such convict to said County, and he shall be started on the trip to said County a sufficient time before the expiration of his sentence so that he will reach such County by the time his sentence expires.

Sec. 2. The fact that under present laws convicts are discharged from the penitentiary in one locality, thus burdening said locality with an unduly large number of the criminal element, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 41, A bill to be entitled "An Act placing under the provisions of the general law all school districts, common or independent, with a scholastic population of fewer than 5,000, in the levy and collection of local school taxes and in the issuance of bonds; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Parrish.

S. B. No. 41.

#### A BILL

##### To Be Entitled

An Act placing under the provisions of the general law all school districts, common or independent, with a scholastic population of fewer than 5,000, in the levy and collection of local school taxes and in the issuance of bonds; repealing all laws in conflict; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all school districts, whether common or independent, or created by general or special law, whose scholastic population does not exceed 5,000 as shown by the last preceding approved scholastic census roll, shall hereafter be governed in the levy and collection of school taxes, and in the issuance of bonds, by the provisions of the General law as they now exist or may hereafter be enacted; provided that the authority heretofore conferred upon any school district by special legislation to levy and collect a local tax in excess of the present statutory limitation shall not be affected by the provisions of this act.

Sec. 2 All laws, general or special, in conflict herewith, are specifically repealed.

Sec. 3. The importance of this legislation, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act will take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred,

S. B. No. 48, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed in the Journal.

HOLBROOK, Vice-Chairman .

By Holbrook.

S. B. No. 48

#### A BILL

##### To Be Entitled.

An Act to amend Article 377 of the Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 377 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

Article 377. The articles of association shall state:

1. The corporate name of the proposed corporation.

2. The purpose for which the corporation is formed.

3. The name of the city or town in which the corporation is to be located.

4. The amount of the capital stock of the corporation, which shall be divided into shares of Twenty Dollars, Forty Dollars, Sixty Dollars, Eighty Dollars or One Hundred Dollars each, as may be provided in the articles of association; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors.

5. The stock of any corporation created under this article shall be deemed personal estate, and shall be transferable only on the books of the corporation in such manner as the by-laws may prescribe.

6. The name and place of residence of each shareholder, and the number of shares subscribed by each.

7. The number of directors, and the names of those agreed upon for the first year.

8. The number of years the corporation is to continue, which in no case shall exceed fifty.

Sec. 2. The fact that under our present laws the capital stock of banks, banking and trust companies, or savings bank, is arbitrarily fixed at a value of \$100.00 for each share and the further fact that it is to the best interest of the banks, banking & trust companies, and savings banks and their depositors and stock holders that such shares may be divided into shares of \$100.00 each or

into shares of such less amount as may be provided in the articles of association. creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 49, A bill to be entitled "An Act to amend Article 415 of the Revised Civil Statutes of 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOLBROOK, Vice Chairman.

By Holbrook. S. B. No. 49.

#### A Bill

#### To Be Entitled

An Act to amend Article 415 of the Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 415 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

Article 415. Every such corporation shall have the right to limit, refuse or return any deposit at its discretion.

Sec. 2. The fact that under our present laws no individual or corporation may deposit more than \$4000.00 inclusive of dividends in any savings bank in this State and such limitation being deemed contrary to public policy and to the best interest of the depositors and the savings bank in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,  
Austin, Texas, May 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to amend Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of savings deposits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOLBROOK, Vice-Chairman.

By Holbrook. S. B. No. 50.

#### A Bill

#### To be Entitled

An Act to amend Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of savings deposits, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Articles 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, is hereby amended so as to hereafter read as follows:

Article 416. Such corporation shall invest not more than eighty-five per cent of the total amount of its savings deposits in any of the following classes of securities, and not otherwise:

1. In bonds or interest bearing notes or obligations of the United States, or of those for which the faith of the United States is pledged for the payment of principal and interest:

2. In bonds, interest bearing notes, or other obligations issued under due authority of law, in payment for permanent improvements made, bearing a fixed rate of interest, and payable within a definite

number of years, or over a series of years, of any city, county, town or school district, or other subdivision of this State, now organized, or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof within five years previous to making such investment;

3. In bonds of this State, or of any State in the Union, that has not, within the last five years previous to making such investment, defaulted in the payment of any part of either principal or interest thereof;

4. In First Mortgage bonds of any steam or electric railroad, or other public utility corporation, domiciled in this or any other state of the Union, the annual net earnings of which steam or electric railroad, or public utility corporation, equaled during the last five years twice the annual interest charges on the entire funded indebtedness of such steam or electric railroad or public utility corporation. Provided that not more than twenty-five per cent of said savings deposits may be invested in the securities mentioned in this Subdivision.

5. In bonds or notes secured by first mortgage, first deed of trust or other first lien, on improved real estate in Texas, provided the aggregate of such bonds or notes outstanding and secured by co-ordinate lien against said property shall not exceed fifty per cent of the value of said real estate and the improvements thereon, exclusive of mineral leases or other mineral estate, such bonds or notes to run for a term of not longer than ten years, and to be always accompanied by a complete abstract of title to the property mortgaged, and an attorney's certificate approving the title or a title insurance policy in some company incorporated under the laws of Texas guaranteeing the title and guaranteeing that said bonds or notes retain a first lien on the land mortgaged; and in addition thereto in assignable certificates issued by any city, town or village, for street paving, the payments of which are se-

cured by first liens, fixed or executed on the abutting properties in accordance with law, and made the personal obligations of the abutting property owners.

6. In bankers acceptances as defined by the federal reserve act or in collateral loans, which loans are collateralized and secured by marketable stocks or bonds, the market value of which shall be at all times equal to one hundred twenty-five per cent of the amount of the loan, such collateral loans always having a maturity of not longer than six months from the date of the purchase thereof. Provided that not more than twenty-five per cent of such savings deposits may be invested in the class of securities mentioned in the subdivision.

It shall be the duty of the directors of such corporation as soon as practicable, to invest the moneys and funds of such savings accounts, by purchase or otherwise, in the securities hereinabove described. Such directors, from time to time, shall sell and invest the proceed of such investments, and for the purpose of meeting current demands and expenses in excess of the receipts, any of the securities may be sold or pledged.

Sec. 2. The fact that under our present statutes savings banks and savings departments of banks are too restricted in the class of securities in which they are authorized to invest, or upon which they are authorized to make loans, and the fact that this law makes needed changes in the statutes of this State regulating such investments, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 57, A bill to be entitled "An Act amending Article 2889a.

relating to school teachers and teacher's certificates, so as to better provide for and regulate teacher's certificates; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Westbrook.

S. B. No. 57.

**A BILL**

**To Be Entitled**

An Act amending Article 2889a, relating to school teachers and teacher's certificates, so as to better provide for and regulate teacher's certificates; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. Article 2889a of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 2889a. 1. Special Certificates. Any person who for six years or more has been the holder of a State first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State permanent first grade certificate.

2. Any person who has been engaged in teaching a special subject in the public schools or as a private teacher of a special subject in connection with the public schools for a period of four years and who has been employed to teach the said subject during the last three years prior to September 1, 1925, shall be exempt from the requirement to hold a teacher's special certificate so long as he or she continues to be employed to teach the same subjects, provided that any person who has been engaged in teaching music, or writing, expression, public speaking and drawing in the public schools of Texas for ten years shall be exempt from the present law and be given a life certificate in that subject.

3. Any teacher who applies for a Texas teacher's certificate on credentials from another State may be granted by the State Superintendent

an emergency certificate valid for four months, while the record is being completed, prior to determining the kind and class of certificate, if any, to be issued to the applicant. The applicant shall be required to pay the same fee for the issuance of an emergency certificate as is required by law to be paid on application for other teacher's certificates.

4. Any person who is employed to teach any trade or industry in the public schools may, upon application to the State Superintendent, signed by the majority of the board of trustees of the school desiring his services, be issued a temporary permit to teach said trade without being required to hold the special certificate prescribed by law; provided, that no permit may be granted for a longer term than two years and provided further that the fee for issuing said permit shall be the same as is required by law for the issuance of teacher's certificates.

Sec. 2. The fact that there is a great need to change the teacher's certificate law in the manner provided for in this Act in the interest of the schools of the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 66, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists; providing payment and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

CUNNINGHAM, Chairman.

By McFarlane.

S. B. No. 66.

**A BILL**

**To Be Entitled**

An Act permitting counties having

a certain population to employ dairying specialists; providing payment and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioners' Court of counties having not less than 72,900, and not more than 73,000 at the last regular Federal census in 1920, shall be empowered to employ dairying specialists at a total salary not to exceed \$7,000.00 annually, said money to be paid out of the funds of said county.

Sec. 2. The fact that certain counties find it necessary and expedient to encourage in every way possible the dairying industry creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### NINTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, May 6, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cousins.

Absent—Excused.

Martin. Parr.

Prayer by the Chaplain.

Pending the reading of the Jour-

nal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Love:

S. B. No. 71, A bill to be entitled "An Act to amend Art. 5221 of the Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Regular Session of the Forty-first Legislature relating to pensions; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 72, A bill to be entitled "An Act amending Art. 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by \* \* \* etc., and declaring an emergency."

The bill was read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator McFarlane:

S. B. No. 73, A bill to be entitled "An Act making provision for the purchase and installment by the Board of Prison Commissioners of the machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs and markers of all kinds, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Penitentiaries.

By Senators Williamson, Hornsby, Beck and Patton.

S. B. No. 74, A bill to be entitled "An Act relating to the practice of barbering, etc.; providing that this Act shall become effective and be in force on and after the first day of September 1929."

The bill was read first time and referred to Committee on State Affairs.